IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.31 OF 2005
IN
WRIT PETITION NO.1320 OF 1994

Lodha & Co. and Anr. .. Petitioners
V/s
Union of India & Ors. .. Respondents

Mr.H.C.Daruwala i/by Bhaishankar Kanga & Girdharlal for the Petitioners.

Mr.S.M.Shah with Mr.A.S.Rao for the Respondents.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 03.02.2005.

P.C.:

1. Heard the learned Counsel for the parties. By this Notice of Motion the Petitioner is seeking to recall the order of this Court dated 19th January, 2005 whereby the above Petition was dismissed in default.

2. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling the order of dismissal. There is no case of inaction, negligence or want of bonafide on the part of the Petitioner. Hence the Notice of Motion is made absolute in terms of prayer clause (a). Place the Petition on board for final hearing on 17.2.2005.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)